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PATENT

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Jean-Pierre MARTINIERE

Serial No.: 10/510,429

Filed: October 6, 2004

For: Method for Diagnosing an Equipment to be Controlled, Diagnostic System, Related Intermediate Server and Communication Module

Examiner: Kim, Hee Soo
Group Art: 2109

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_____Lance J. Lieberman_____
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## PRE-APPEAL BRIEF REQUEST FOR REVIEW

SIR:

Applicants request a panel review of the Issues on Appeal in the above-referenced application. The present request is filed concurrently with a Notice of Appeal and a request for a two-month extension of time, and is filed before any Appeal Brief. No claim amendments are submitted with this request.

The review is requested for the reasons set forth on the following pages.

Claims 1-4, 7, 15 and 16 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,892,317 ("*Sampath*"). In addition, claim 19 stands rejected under 35 U.S.C. §103(a) as unpatentable over *Sampath* in view of U.S. Patent No. 6,424,860 ("*Karlsson*"). Finally, claims 14 and 28 stand rejected under 35 U.S.C. §103(a) as unpatentable over *Sampath* in view of U.S. Patent No. 5,812,656 ("*Garland*"). For the following reasons, withdrawal of the rejections is deemed appropriate.

## Independent Claims 1, 16 and 28

The Examiner (at pg. 2-3 of the December 28, 2007 final Office Action) asserts that:

> Sampath taught a method ... comprising:
>
> determining, at *an intermediate server*, which one from among *a plurality of specialized assistance servers* each specially configured to perform diagnosis on a different equipment of a predefined collection of equipment is the one server that is appropriate for diagnosing the equipment to be inspected.... (Emphasis Supplied)

Applicants disagree.

*Sampath* teaches determining, at a diagnostic server, which one from among a plurality of service providers (300, 400, 500, 600) specially configured to provide a plurality of respective services and thus perform a plurality of respective actions — routine service and maintenance, additional analysis/diagnostics, parts/consumables supplying — is the one that is appropriate for performing a particular action determined by a central diagnostic server 100. The *Sampath* system includes the central diagnostic server 100 and various service providers which are specialized based on the types of services they are able to provide. *Sampath*, however, fails to teach or suggest a system comprising an intermediate server and a plurality of specialized assistance servers each specially configured to perform diagnosis on various collections of equipment, respectively.

The claimed invention provides an intermediate server which selects one of various specialized assistance servers depending on the type of equipment that the assistance server is configured to diagnose. *Sampath*, in contrast, provides a system in which the diagnostic server 100 selects the service provider depending on the service that the specific service provider is able to provide, such as routine service and maintenance, additional analysis/diagnostics or parts/consumables supplying. Applicants' claimed assistance servers are specialized for the collection of equipment that they are specifically adapted to diagnose, whereas in *Sampath* the service providers are specialized for the type of service that they can provide.

*Sampath* thus teaches a method that differs from applicants' expressly recited method for diagnosing electrical equipment. *Sampath* (col. 3, line 63 thru col. 4, line 2) states that "[t]he diagnostic system 10 comprises a diagnostic server 100, one or more monitored electronic systems 200, one or more third party service providers 300, one or more value added service providers 400, one or more parts/consumables suppliers 500, and one or more original equipment manufacture (OEM) service providers 600 and one or more secondary knowledge servers 700".

*Sampath* (col. 4, lines 55-57) explains that "[i]n operation, the one or more monitored electronic systems 200 generate status information, e.g., control data, process data, and diagnostic data, during the course of operation". *Sampath* (col. 4, lines 55-57) additionally explains that "[h]aving determined the status information for the particular electronic system, the status information circuit 250, in cooperation with the I/O interface 230, forwards the status information to the diagnostic server 100 via link 50 and the network 25". *Sampath* thus teaches that the electronic system generates status information and transmits the status information to a single diagnostic server 100 via the network 25.

*Sampath* (col. 5 line 51 thru col. 6, line 7) then explains that upon receipt of the status information, the single diagnostic server 100 performs a diagnostic analysis based on the status information that is received from the status information circuit 250 of the monitored electronic system 200. An additional or secondary knowledge source 700 is accessed by the server 100 to acquire additional information and/or expertise with respect to the particular monitored electronic system. (Col. 6, lines 13-10). *Sampath* (col. 6, lines 58-60) further explains that "[o]nce the analysis of the electronic system is performed, the repair planning circuit 165 determines an appropriate action in response to the received status information. Having determined an appropriate action, the routing circuit 160, in cooperation with the controller 120 and the I/O interface 130, routes the action request to the appropriate service, repair, and/or parts/consumable supplier, or to an autonomous repair agent". *Sampath* thus expressly teaches that after diagnosis of the problem with the electronic system 200 by the single diagnostic server 100, the repair planning circuit 165 of the diagnostic server 100 determines (based on that diagnosis) an appropriate action to be taken in response to the received status information and its diagnosis, and that based on the determined appropriate action the diagnostic server 100 then routes an action request to the appropriate entity (e.g., service, repair, parts/consumable suppliers autonomous repair agent) that is configured to perform the needed action.

*Sampath* thus clearly teaches, in contrast to applicants' claimed invention, a system and method in which the <u>diagnosis</u> of a range of equipment is performed <u>centrally</u> by a <u>single</u> diagnostic server 100. Only after server 100 has completed the diagnosis does the diagnostic

server 100, based on its diagnosis, determine an action to be performed and select the appropriate entity to perform the particular determined action from among a group of different service entities (i.e. that are respectively adapted to perform various different responsive actions). The role of the single diagnostic server 100 of the system of *Sampath* is to thus perform a centralized diagnosis of all of the equipment based on status information provided by any of the multiple electronic systems that may need to be inspected, to determine an appropriate action based on the results of that diagnosis, and to route an action request to a separate appropriate entity that is specialized to perform the required action.

The *Sampath* system is therefore fundamentally different than the method and system recited in applicants' independent claims 1 and 16, respectively. *Sampath* teaches a system in which a single central server 100, which the Examiner views as the alleged equivalent of applicants' intermediate server, performs a centralized diagnosis for all equipment under its auspices. *Sampath* teaches that the diagnostics for all of the various electronic systems 200 are performed by the same central server 100. In contrast, the intermediate server (3) recited in applicants' independent claims 1 and 16 determines which one from among a plurality of specialized assistance servers (each specially configured to perform diagnosis on a different equipment of a predefined collection of equipment) is the one server that is appropriate for diagnosing the particular equipment to be inspected. It then instructs the communications module to forward the equipment status information to that selected specialized assistance server which, in turn, performs the diagnosis. Thus, all diagnostic operations are performed by one of a plurality of specialized assistance servers — not the single central or intermediate server of *Sampath's* method and system — for the particular one of a predefined collection of equipment whose operating data has been received.

There is no equivalent intermediate server in *Sampath* that is configured to route a service request to a selected one of a plurality of diagnostic servers based on which of those diagnostic servers has been specially configured to diagnose data related to the particular device, as recited in applicants' independent claims 1 and 16. *Sampath* thus fails to teach or suggest an intermediate server having the role of centralizing diagnostic requests sent by devices to be controlled and routing each request to the one specialized diagnostic server that is configured to process the particular request by performing a diagnosis.

Moreover, In addition, the system of *Sampath* fails to teach or suggest the provision or use of a plurality of specialized assistance servers, each of which is specially configured to perform diagnosis on a respective *different* one of a predefined collection of equipment. Instead, *Sampath* teaches a single centralized server for performing diagnostics, and a plurality of

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specialized repair services for responding to the results of the central diagnostics. There are no plural diagnostic servers in *Sampath* that are individually specially configured for diagnosing a particular device; instead, the central diagnostic server 100 routes an <u>action</u> request to the appropriate entity (e.g., service, repair, parts/consumable suppliers autonomous repair agent) that can <u>perform</u> the needed action. Thus, the repair services are not differentiated by device but, instead, by task or ability or function. There is no disclosure or suggestion in *Sampath* of servers that are specialized for <u>diagnostics</u> ability with a specific device within a predefined group of devices.

In view of the foregoing, independent claims 1 and 16 are <u>not</u> anticipated by *Sampath*. Reconsideration and withdrawal of the rejection of claims 1 and 16 under 35 U.S.C. §102 are accordingly deemed to be in order, and early notice to that effect is solicited.

## Independent Claim 28

The Examiner (at pg. 9 of the Office Action) has acknowledged that *Sampath* fails to teach or suggest "means for detecting an emergency event relating to the equipment to be inspected and then, on detecting such an emergency event, for making a priority connection with a 'black box' server and transmitting thereto a stream of data relating to the equipment to be inspected," as recited in independent claim 28, and cites *Garland* to provide these features.

Applicants disagree, however, that the combination of *Sampath* and *Garland* achieves the communication module of independent claim 28. There is no communication module in *Sampath* that is configured to forward the operating data to a remote server which is configured to perform diagnosis on different equipment of a predefined collection of equipment based on the forwarded operating data, as recited in applicants' independent claim 28.

The *Sampath* system discloses that an I/O interface is located at each of the service providers, as well at the secondary knowledge servers. Each interface permits each of the various entities to communicate with the diagnostic server 100 shown in FIG. 1 of *Sampath*. There is no teaching or suggestion in *Sampath* that any of these I/O interfaces is configured to forward the operating data to a remote server which is configured to perform diagnosis on different equipment of a predefined collection of equipment based on the forwarded operating data. Indeed, *Sampath* expressly teaches that the routing circuit 160 of the single diagnostic server 100, in cooperation with the controller 120 and the I/O interface 130, routes the action request to the appropriate service, repair, and/or parts/consumable supplier, or to an autonomous repair agent (see col. 6, lines 60-65).
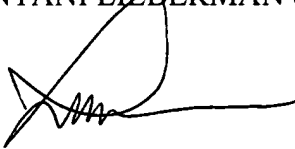
Similarly, there is nothing in *Garland* with respect to a communication module that is configured to forward the operating data to a remote server which is configured to perform diagnosis on different equipment of a predefined collection of equipment based on the forwarded operating data, as recited in applicants' independent claim 28. *Garland* teaches systems that are used to prioritize connections. *Garland* is totally silent with respect to the recited communication module in applicants' independent claim 28 that forwards operating data to a remote server which is configured to perform diagnosis on different equipment of a predefined collection of equipment based on the forwarded operating data. The combination of *Sampath* and *Garland* therefore fails to teach or suggest the features recited in independent claim 28, and independent claim 28 is accordingly deemed to be patentable over the combination of *Sampath* and *Garland*.

Reconsideration and withdrawal of the rejection of claim 28 under 35 U.S.C. §103 are accordingly deemed to be in order, and early notice to that effect is solicited.

Applicants respectfully submit that this application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By _____
 Lance J. Lieberman
 Reg. No. 28,437
 551 Fifth Avenue, Suite 1210
 New York, New York 10176
 (212) 687-2770

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